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Practitioner's Docket No. 1062/D70

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Jason D. Demers, James D. Dale, Brian Tracey, David W. McGill, and Larry B. Gray

Application No.: 10/696,969

Group No.: 1651

Filed: 10/30/2003

Examiner: Bradick, Thomas

For: System, Device, and Method for Mixing a Substance with a Liquid

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is *mandatory*;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: September 16, 2005

Jeffrey T. Klayman

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

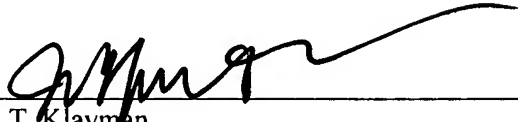
|   | (Col. 1)                                  | (Col. 2)                              | (Col. 3)         | OTHER THAN A SMALL ENTITY |               |      |      |
|---|---|---------------------------------------|------------------|---------------------------|---------------|------|------|
|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE                      | ADDIT.<br>FEE |      |      |
| TOTAL                                     | 23  | – 65                                  | =                | x \$                      | 0.00          | = \$ | 0.00 |
| INDEP.                                    | 1   | – 4                                   | =                | x \$                      | 0.00          | = \$ | 0.00 |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM |   |                                       |                  | + \$                      | 0.00          | = \$ | 0.00 |
|   |   |                                       |                  | TOTAL                     |               |      |      |
|   |   |                                       |                  | ADDIT. FEE                |               | \$   | 0.00 |

### FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Date: September 16, 2005

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Demers, et al.

Art Unit: 1651

Appl. No: 10/696,969

Examiner: Bradrick, Thomas

File Date: October 30, 2003

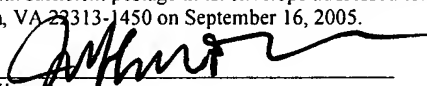
Docket No.: 1062/D70

Invention: SYSTEM, DEVICE, AND METHOD FOR MIXING A SUBSTANCE  
WITH A LIQUID

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CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 16, 2005.

  
Jeffrey T. Klayman

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

In response to the Office action of August 16, 2005, Applicants provisionally elect prosecution of group III consisting of claims 26-48. Applicants also respectfully request reconsideration and modification of the restriction requirement to combine groups III and IV for prosecution on the merits, as these groups are directed to similar subject matter but in different forms (e.g., group IV includes means-plus-function elements).

Date: September 16, 2005

Respectfully submitted,



Jeffrey T. Klayman  
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